



TRANSLATION

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*The Clerk shall
file this letter,
translated from the
Spanish to English
courtesy of
10-12-11
[Signature]*

BY LEGAL MAIL

September 26, 2011

The Honorable Alvin P. Hellerstein
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Alejo Polanco-Padilla
S3 05 - CR - 185 (AKH)
S1 08 - CR - 065 (SLT)

Dear Judge Hellerstein:

For the purposes of preserving my right to effective legal assistance in the above referenced cases, I believe it would be appropriate for the Court to replace my current attorney, **Ms. Jean D. Barrett**, because the results of the time she has acted as my defense attorney is very far from my best interests in justice.

Ms. Barrett herself let me know on her last visit on September 22 that she has reached the limit of everything she can do for me with respect to the charges against me and without any better alternative, she brought me a "plea agreement" from the government that will require me to accept a sentence of 35 years in prison, which means spending the rest of my life in a jail, given the average life expectancy of my immediate family members.

Ms. Barrett has limited her work in my defense and has simply waited for the government to determine the time when I should accept such a "plea agreement," which is the

The Honorable Alvin P. Hellerstein
U.S. District Judge - S.D.N.Y.
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highest of all of the plea agreements I have ever laid eyes on during my 64 months in jail, agreements that have been offered to other inmates who have been charged with multiple homicides in the first degree, such as **Freddie Gonzalez** or **Wilber Lopez** who is charged with premeditated murder with excessive cruelty of a government agent; whose head was cut off and used as a kick-ball in a macabre game of soccer he played with the other members of his gang.

In the close to 30 months she has been my defense attorney, **Ms. Barrett** was unable to come up with any legal or non-legal argument that would allow for an option different from such a guilty plea with such a high range, such as the one the government wants me to accept despite the situation and circumstances of my cases which I cannot explain in detail in this letter to the Court, but which would indeed affect the final outcome of both of my cases.

The Court is aware of the nature of the charges against me and the complexities of my cases. The Court is aware that in cases like mine there are many resources that can be used in motions to the judges who are handling my cases. Such motions would require a lot of out of court work, including investigations and meetings with experts, which are things a defense lawyer should do before forcing his or her client to accept a "plea agreement" such as the one **Ms. Barrett** brought me from the government.

This Court was the one who appointed **Ms. Barrett** in April of 2009 as my defense lawyer in both cases: S.D.N.Y. and E.D.N.Y. I am very aware that my request may cause problems and annoy the Court, and I am aware of the delay in both criminal cases against me, especially given the Court's warning that it is not the practice of this Court to replace defense attorneys a second time for defendants who are not happy. I would, however, like to beg the Court's pardon and request that the Court consider my request in its most fair dimension; the Court should understand that this request for a new defense attorney is not based on any whim or foolishness whatsoever on my part, something which is so common among us inmates.

Although it is true that **Ms. Barrett** has not been effective in providing me legal assistance, I must recognize that it is also true that **Ms. Barrett** is a grand human being. She is a woman of great sensitivity with a very large heart who can sympathize with the pain felt by others and I am sure she feels very sad these days because she cannot give me any better help in the defense of my cases. I would like to take this opportunity to thank **Ms. Barrett** for her work, her polite manner, her patience and most of all, for the honesty when she confessed that she could not do anything else for me.

I really hope that the Court, in its full discretion as chief judge of this court where my original indictment was issued, can take the time, use the right it has and its free will to choose

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the best replacement possible for Ms. Barrett and not allow such a decision to be made by whoever happens to be the criminal defense attorney on duty on the day, the Court decides to grant such an important request, should the Court do so.

I thank the Court for its attention to this letter. I am asking for justice from the bottom of my heart.

May God always bless you and keep you, Your Honor.

Very sincerely yours,

[signed: Alejo Polanco]
Alejo Polanco Padilla

Cc: The Honorable Sandra L. Townes - E.D.N.Y.
U.S. District Attorney - S.D.N.Y.
U.S. District Attorney - E.D.N.Y.
Jean D. Barrett, Esq. - Defense Counsel
File

[Translator's Note: the words in bold and in quotations are as they appear in the original document]